

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

**MIDDLEBROOKS SHAPIRO, P.C.**

841 Mountain Avenue, First Floor

Springfield, New Jersey 07081

(973) 218-6877

Angela Nascondiglio Stein, Esq.

Anstein@middlebrooksshapiro.com

Attorneys for the Chapter 11 Debtor and

Debtor-in-Possession, Hiteshri Patel



Order Filed on August 18, 2021

by Clerk

U.S. Bankruptcy Court

District of New Jersey

In Re:

**HITESHRI PATEL,**

Chapter 11 Debtor and

Debtor-in-Possession.

Case No.: 20-17880-KCF

Adv. No.:

Hearing Date: 8/17/2021 at 10:00 a.m.

Judge: Honorable Kathryn C. Ferguson

**ORDER APPROVING POST-PETITION REFINANCE PURSUANT TO 11 U.S.C. §§ 364 AND 105(a),  
AND FED. R. BANKR. P. 4001(C); AND FOR RELATED RELIEF**

The relief set forth on the following page, numbered two (2) through two (2), is hereby **ORDERED**.

**DATED: August 18, 2021**

A handwritten signature in black ink, appearing to read "Kathryn C. Ferguson".  
\_\_\_\_\_  
Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

In re: Hiteshri Patel

Case No.: 20-17880-KCF

Caption of Order: Order Approving Post-Petition Refinance Pursuant to 11 U.S.C. §§ 364 and 105(a), and Fed. R. Bankr. P. 4001(c); and for Related Relief

Page 2

---

Upon consideration of the Debtor's Motion for Order Approving Post-Petition Refinance Pursuant to 11 U.S.C. §§ 364 and 105(a), and Fed. R. Bankr. P. 4001(c); and for Related Relief, and good cause appearing therefore, it is hereby

**ORDERED**, that the Debtor's Motion shall be and is hereby granted as set forth herein; and it is further,

**ORDERED**, that the Debtor is authorized to refinance an existing Business Loan Agreement, with the Debtor as Borrower and West Valley National Bank (the "Bank"), as Lender, in a principal amount not to exceed the balance of the Bank's claim (the "Refinance Loan"); and it is further,

**ORDERED**, that the Debtor's obligations under the Refinance Loan be secured against the following real property 1) 714 S. Haliday Street, Anaheim, CA 92804 (the "California Property"), 2) 223 Gordons Corner Road, Marlboro, NJ 07746 (the "Marlboro Property") and 3) 164 Beach Street, Jersey City, NJ 07307 (the "Jersey City Property" and with the California Property and the Marlboro Property, the "Properties"), as outlined in the Application; and it is further

**ORDERED**, that the Bank is hereby granted (without the necessity of the execution by the Bank or the filing or recordation of mortgages, security agreements, financing statements or any other instruments or otherwise by the Bank), valid, binding, enforceable, non-avoidable, and automatically and properly perfected liens and security interests in the Properties, as security for prompt and complete performance and payment when due (whether at the stated maturity, by acceleration or otherwise) of all Refinance Loan obligations, which liens shall have the following relative rank and priority:

(1) Primary Lien: Pursuant to Section 364(c)(2) of the Bankruptcy code, upon the consummation of the Refinance Loan, the Bank shall have a valid, binding and enforceable, fully protected first priority senior primary security interest in and lien upon the Beach Street Property; and

(2) Junior Lien: Pursuant to Section 364(c)(3) of the Bankruptcy Code, upon the consummation of the Refinance Loan, the Bank shall have a valid, binding, enforceable, fully perfected junior security interest in and lien upon the California Property and the Marlboro Property, as well as upon the proceeds, products, rents and profits of the foregoing, whether arising under Section 552(b) of the Bankruptcy Code or otherwise; which junior liens shall be second in position and subordinate only as to any validly perfected lien of Matrix Financial Services Corp/Flagstar Bank on the California Property that is senior to the current lien of the Bank; and second in position and subordinate only as to any validly perfected lien of M&T Bank as to the Marlboro Property that is senior to the current lien of the Bank.

In re:  
Hiteshri Patel  
Debtor

Case No. 20-17880-KCF  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0312-3  
Date Rcvd: Aug 18, 2021

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 20, 2021:

Recip ID	Recipient Name and Address
db	+ Hiteshri Patel, 223 Gordons Corner Road, Marlboro, NJ 07746-1257

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 20, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 18, 2021 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor MATRIX FINANCIAL SERVICES CORP. dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Gary D. Bressler	on behalf of Creditor West Valley National Bank gbressler@mdmc-law.com scarney@mdmc-law.com;dprimack@mdmc-law.com;bkleban@mdmc-law.com
James N. Lawlor	on behalf of Defendant NFS Leasing Inc. jlawlor@wmd-law.com
James N. Lawlor	on behalf of Creditor NFS Leasing Inc. jlawlor@wmd-law.com
Joseph Francis Pacelli	on behalf of Creditor NFS Leasing Inc. jpacelli@wmd-law.com
Lauren Bielskie	

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Aug 18, 2021

Form ID: pdf903

Total Noticed: 1

on behalf of U.S. Trustee U.S. Trustee lauren.bielskie@usdoj.gov

Melinda D. Middlebrooks

on behalf of Plaintiff Hiteshri Patel middlebrooks@middlebrooksshapiro.com melindamiddlebrooks@gmail.com

Melinda D. Middlebrooks

on behalf of Debtor Hiteshri Patel middlebrooks@middlebrooksshapiro.com melindamiddlebrooks@gmail.com

Nicole M. Nigrelli

on behalf of Trustee Nicole M. Nigrelli nnigrelli@ciardilaw.com sfrizlen@ciardilaw.com;dtorres@ciardilaw.com

Richard Gerbino

on behalf of Creditor M&T BANK rgerbino@schillerknapp.com kcollins@schillerknapp.com;lgradomski@schillerknapp.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

Virginia T. Shea

on behalf of Creditor West Valley National Bank vshea@mdmc-law.com  
mtaranto@mdmc-law.com;kpatterson@mdmc-law.com;gbressler@mdmc-law.com;lmodugno@mdmc-law.com

TOTAL: 12